

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.9098 OF 2005

Baswanna Bheemsha Koli .. Petitioner

Versus

Gurulingappa Shivlingappa

Banajgol & Ors. .. Respondents

Mr.Shrishail Sakhare for petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 31st January 2006.

P.C.

. Heard Mr.Sakhare for petitioner. No  
reason to interfere with the order passed by the  
lower appellate court permitting respondents -

original plaintiffs before it to amend the  
plaint. Needless to state that the merits of the  
amendment are not being gone into. It would be  
open for petitioner to urge while challenging the  
final order that such an amendment ought not to  
have been granted, if the said final order is  
adverse to him. Alternatively, it would be open  
for petitioner to urge before lower appellate  
court that the permission to carry out the  
amendments at this stage necessitates filing of  
additional written statement and based upon  
pleadings, trial of additional issue which should  
be taken up in accordance with law, either by the  
lower appellate court or by trial court. All  
such contentions of both sides are kept open for  
being urged before lower appellate court and for  
lower appellate court to pass appropriate orders  
thereon. Petition dismissed.

(S.C.DHARMADHIKARI, J)